

REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by applicant and undersigned attorney. Reconsideration is respectfully requested.

1. Summary of the Office Action.

Claims 1 and 3-7 were pending.

Claims 1 and 3-7 stand rejected under 35 U.S.C §102(b) over Peleg (US 4837990).

2. Discussion.

Claim Rejections - 35 USC §102 or103

Claim . This claim was rejected under 35 USC §102(b) as being anticipated by Peleg. In response, the claim is amended to patentably distinguish and limit over the applied art by positively reciting ropes connected between rope anchorage points of a plurality of the brackets.

The invention as now claimed specifies that the cover is secured in position by a rope that stretches over the cover and is anchored to the rope anchorage points. It will be

appreciated that with such an arrangement, when the brackets are raised or lowered to adjust the height of the tunnel, the rope anchorage points will also be raised or lowered and as a consequence there is no need to release and subsequently re-secure the rope. Height adjustment is thus very simple. Peleg, on the other hand, is far more complex. It does not make use of ropes to anchor the cover but rather uses fixing tubes. Figure 1 shows the cover as reaching to the ground at the edges of the structure. It will be appreciated that, in such an arrangement, lowering of the tunnel would result in a loss of tension in the cover. In the present invention, this would not occur. Consequently, not only does the present invention differ structurally from Peleg but it is also advantageous over Peleg.

It is submitted that this amendment patentably avoids the applied art. Withdrawal of the rejection is respectfully requested.

Remaining Claims. The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

3. Conclusion.

The pending claims are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

ANY FEES DUE ARE CALCULATED AS FOLLOWS:		<u>NUMBER</u>	<u>FEE</u>
TOTAL Claims Remaining over that Previously Paid:	None		\$0
INDEPENDENT Claims Remaining over that Previously Paid:	None		\$0
	SUM Claim Fees:		\$0
EXTENSION Fees:			\$130
OTHER Fees:			\$0
	<u>TOTAL AMOUNT (if any)</u>		\$130

☐ Paid by enclosed check.

☒ Paid by enclosed Credit Card Payment Form(s) PTO-2038.

Respectfully submitted,



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Date:

8-28-09

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REQUEST FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. 1.136(a), Applicant(s) requests that a 1 month extension be granted in which to file the attached communication from the applicant(s).

A \$ 130 payment, for large entity, is enclosed for the fee required under 37 CFR 1.17.

Please charge any additional or underpayment in fee due, or credit any overpayment, to Deposit Account No. 19-2381.

Respectfully submitted,



Joel D. Skinner, Jr.
Reg. No. 33,786

Date:

8-28-09

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